

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

RYAN FELTON

Criminal Action No.

1:20-cr-00347-JPB-JSA

Joint Motion to Continue Jury Trial and for a Specially Set Trial Date

The United States of America, by Kurt R. Erskine, Acting United States Attorney, and Nathan P. Kitchens and Sekret T. Snead, Assistant United States Attorneys, for the Northern District of Georgia, and the defendant, Ryan Felton, by and through his counsel, Joshua Lowther, file this Joint Motion to continue the jury trial date that is presently set for November 15, 2021, at 9:30 a.m. to a specially set trial date no earlier than June 6, 2022. For cause, the parties show as follows:

1. On September 9, 2020, a grand jury sitting in this District returned an indictment charging defendant Ryan Felton with sixteen counts of wire fraud, ten counts of money laundering, and two counts of securities fraud. (Doc. 1.)
2. On September 14, 2020, the Defendant made his initial appearance and was arraigned. (Doc. 7.)
3. The Defendant was released on an unsecured appearance bond, (*id.*), and remains on pretrial release.
4. This case was certified ready for trial on November 24, 2020, during the pendency of the District Court's general orders suspending jury trials and tolling

speedy trial requirements as a result of the global COVID-19 pandemic. (Doc. 16.) On July 29, 2021, the Court entered an order excluding time under the Speedy Trial Act following the expiration of the District Court's last general order on May 3, 2021.

5. On July 28, 2021, this Court set this matter for trial to begin on November 15, 2021, at 9:30 a.m. "as the second on the trial calendar," and further ordered that if trial did not proceed on that date, the matter would "be placed on the trial calendar for a trial beginning on December 6, 2021, at 9:30 a.m." (Doc. 23.)

6. Due to the locations of the victims who the government intends to call to testify at trial, and the heavy trial commitments and other case-related obligations on counsel for the government as a result of the over one-year moratorium on jury trials as a result of the global COVID-19 pandemic, the parties respectfully request that the Court specially set the trial date for this matter and that the trial date be set no earlier than June 6, 2022.

7. Specifically, the indictment alleges that seven different victims were involved in this case. The majority of these victims reside in foreign countries and would need to travel to this district for trial. Several of those countries have, at times, imposed restrictions on travel to and from the United States, including mandatory testing and quarantine requirements, that are constantly evolving based on the threat posed by the pandemic. The parties, therefore, contend that a specially set trial date is necessary to mitigate the expense and logistical difficulty of ensuring the appearance of the victim-witnesses at trial, and the

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potential hardships posed to the victim-witnesses, particularly in light of the ongoing COVID-19 global pandemic and any negative impacts the pandemic may have on international travel at such time.

8. The parties further believe that a continuance of the trial date to no earlier than June 6, 2022 is necessary due to the trial calendars of both counsel for the government who are handling this matter.

9. AUSA Sekret Sneed is set to begin an estimated one- to two-week trial on October 21, 2021, before Judge May in the matter entitled *United States v. Addaquay, et al.*, 1:20-cr-00126-LMM-JSA. AUSA Sekret Sneed is set to begin an estimated two- to three-day trial on December 1, 2021, before Judge Batten in the matter entitled *United States v. Oladipupo*, 1:18-cr-00093-TCB-LTW. AUSA Sneed is set to begin an estimated one-week trial on January 18, 2022, before Judge Jones in the matter entitled *United States v. Nwokoro*, 1:17-cr-0062-SCJ-JSA/1:17-cr-0303.

10. AUSA Nathan Kitchens is set to begin an estimated three- to four-week trial on January 18, 2022, before Judge Jones in the matter entitled *United States v. Bickers*, 1:18-cr-00098-SCJ-LTW. AUSA Nathan Kitchens is set begin an estimated two- to three-week trial on April 4, 2022, before Judge Jones in the matter entitled *United States v. Jafari*, 1:19-cr-00078-SCJ-LTW.

11. Therefore, the parties respectfully request that the Court grant this motion to continue the trial date and to specially set the trial no earlier than June 6, 2022, in the above-styled case and that the period of the extension be excluded from

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computation under the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h). The parties agree, and ask the Court to specifically find, that this exclusion would serve the ends of justice, and that the failure to grant this motion “would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence....” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial....” 18 U.S.C. § 3161(h)(7)(A).

For the foregoing reasons, the parties respectfully request that the Court grant this Motion.

Respectfully submitted,

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The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

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August 27, 2021

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